Claim 3 has been amended. Claims 1-20 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Rejections:

The Examiner rejected claims 1-5 and 8 under 35 U.S.C. § 102(b) as being anticipated by Bauer et al. (U.S. Patent 5,884,325) (hereinafter "Bauer"). The Examiner rejected claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Bauer in view of Morris (U.S. Patent 5,813,017), and claims 7 as being unpatentable over Bauer in view of Lin et al. (U.S. Patent 6,546,135) (hereinafter "Lin"). The Examiner rejected claims 9-14 and 15-20 on the same grounds as applied to the corresponding ones of claims 1-7. Applicants respectfully traverse these rejections for at least the following reasons.

In regard to claim 1, the cited art does not teach a distributed store comprising a primary state of <u>session data</u> configured for access <u>by a plurality of application servers</u>. As described in the portions cited by the Examiner, Bauer teaches a database synchronizer for synchronizing client databases with a single centralized database. Bauer teaches that mobile clients modify their client databases when they are disconnected from the central database. When a client re-connects to the server, the database synchronizer synchronizes the client database to the central database.

Bauer specifically employs a <u>single</u> central server and a plurality of remote <u>clients</u>. (Bauer -- col. 1, line 67 – col. 2, line 1; col. 6, lines 4-13). As shown in Fig. 1 of Bauer, a single server node 10 provides a central database 12 which may be synchronized for a plurality of clients nodes 20_{a-z}. Thus, Bauer clearly does not teach a plurality of application servers. To the contrary, Bauer requires a <u>single</u> central server. The Examiner appears to be attempting to equivocate the plurality of clients in Bauer to a plurality of applications servers. However, **by definition**, clients are not servers.

Moreover, in Bauer, only the single central server accesses the primary database. The clients in Bauer only access their local databases. The clients in Bauer do not access the central database 12. Instead, the clients may have their local databases synchronized with the central database through the database synchronizer and the single central server described in Bauer, but they do not access the central database themselves. Furthermore, as noted above, the clients in Bauer are not application servers. Thus, Bauer clearly does not teach a distributed store comprising a primary state of session data configured for access <u>by a plurality of application servers</u>.

Furthermore, the database in Bauer does not store <u>session data</u> accessible by a plurality of application servers. Bauer teaches that each of the clients (which are not application servers) accesses its own client database which may later be synchronized with the single central database by the database synchronizer. A database as described in Bauer refers to a collection of data that is manipulated by clients. Data manipulated by clients in a database is not session data that represents the state of a client session for a client. Session data is a well understood concept in the art of application servers. The data stored in the databases in Bauer is clearly not session data.

Additionally, the Bauer does not teach a first application server of the plurality of application servers, comprising a client state of the <u>session data accessible to processes executing within the application server</u>. As noted above, Bauer does not teach application servers. Also, the local databases in Bauer's clients do not store session data. Furthermore, Bauer does not say anything about processes executing within an application server accessing session data. Clearly, Bauer does not anticipate a first application server of the plurality of application servers, comprising a client state of the session data accessible to processes executing within the application server.

Applicants remind the Examiner that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, <u>arranged as in the claim</u>: M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The <u>identical</u> invention must

be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As discussed above, Bauer has nothing to do with application servers or session data. Furthermore, Bauer requires a single centralized database server to control synchronization. Thus, Bauer actually teaches away from a <u>distributed</u> store accessible by a plurality of application servers. The rejection of the other independent claims is unsupported for similar reasons.

In light of the above arguments, Applicants assert that the rejections are clearly not supported by the cited art and withdrawal thereof is respectfully requested. The Morris and Lin references do not overcome any of the deficiencies noted above in Bauer.

In regard to claim 3, Bauer does not teach that to track accesses of the attributes of the client state, the first application server is further configured to track mutable attributes and not track immutable attributes. The techniques for detecting data modifications discussed in the sections of Bauer cited by the Examiner do not make any distinction between mutable and immutable attributes. Therefore, the rejection of claim 3 is further unsupported by the cited art.

Applicants also assert that numerous ones of the claims recite further distinctions over the cited art. Since the rejections have already been shown to be unsupported by the cited art, a discussion of further distinctions is not necessary at this time.

CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicants hereby petition for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-11800/RCK.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Petition for Extension of Time

☐ Notice of Change of Address

☐ Fee Authorization Form authorizing a deposit account debit in the amount of $ for fees ( ).

☐ Other:

Respectfully submitted,

Robert C. Kowert
Reg. No. 39,255
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

Date: __October 25, 2004__